



## **CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA**

**Council Chambers – 100 Civic Center Drive  
Wednesday, August 14, 2013 – 6:00 PM**

### ***Harbor Commission Members:***

<b>Duncan McIntosh, Chair</b>		
<b>Brad Avery</b>	<b>Paul Blank</b>	<b>David Girling</b>
<b>Karen Rhyne</b>	<b>Joe Stapleton</b>	<b>Doug West</b>

### ***Staff Members:***

**Chris Miller, Harbor Resources Manager  
Shannon Levin, Harbor Resources Supervisor**

### ***Council Liaison:***

**Nancy Gardner**

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#### **1) CALL MEETING TO ORDER**

#### **2) ROLL CALL**

#### **3) PLEDGE OF ALLEGIANCE**

#### **4) PUBLIC COMMENTS**

*Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.*

#### **5) APPROVAL OF MINUTES – July 10, 2013 Minutes**

#### **6) CURRENT BUSINESS**

##### **1. *3388 Via Lido Dock and Boardwalk Project***

Harbor Resources has received an application to remove and replace the dock and boardwalk at 3388 Via Lido. The new slips will be assigned to the two residential units at the upland property. The boardwalk will be replaced like-for-like maintaining public access along the waterfront.

#### **Recommendation:**

- 1) Provide comment to staff. Receive and file.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or [cityclerk@newportbeachca.gov](mailto:cityclerk@newportbeachca.gov).

**2. *Mooring Permit Revocations for Failure to Pay Annual Rental Fees: S-145, H-410, C-42, and J-51***

Four mooring permittees have failed to pay their annual mooring rental fees despite repeated attempts by City staff to collect the mooring rental fees. Mooring permits may be revoked due to failure to pay annual rental fees. Annual rental fees are initially invoiced in January with late-payment notices in April and May. According to Newport Beach Municipal Code (NBMC) Chapter 17.70, the Harbor Commission shall conduct a hearing prior to revoking a mooring permit.

**Recommendation:**

- 1) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit S-145 for failure to pay annual rental fees.
- 2) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit H-410 for failure to pay annual rental fees.
- 3) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit C-42 for failure to pay annual rental fees.
- 4) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-51 for failure to pay annual rental fees.

**3. *Request for Moorage for Two Large Vessels in Newport Harbor***

At the July meeting, the Harbor Commission was requested to consider allowing the Invictus, a 216' vessel, to moor in Newport Harbor on a temporary basis for two months. Coincidentally, the Marama, a 130' vessel, made a similar request as well. The Harbor Commission formed a subcommittee to review the requests and to provide a recommendation at the August meeting.

**Recommendation:**

- 1) Per the subcommittee's recommendation, the Harbor Commission is requested to advise the Harbor Resources Manager to approve the Invictus and Marama's request to moor in Newport Harbor with certain conditions as described below and as discussed at tonight's meeting.

**4. *Review the Proposed Harbor Commission Objectives for Fiscal Year 2013-14***

The Harbor Commission will review and provide input to the proposed Commission Objectives for 2013-14. The Subcommittee will then refine the Objectives and return in September with a final recommendation.

**Recommendation:**

- 1) Provide input to the proposed Harbor Commission Objectives for fiscal year 2013-14.

**5. *Harbor Commission Representation on the Tidelands Management Committee's Citizens Advisory Panel***

The Harbor Commission will recommend one Commissioner for the City Council's Citizens Advisory Panel ("CAP") of the Tidelands Management Committee.

**Recommendation:**

- 1) The Harbor Commission will recommend Paul Blank to represent the Harbor Commission on the Citizen's Advisory Panel of the Tidelands Management Committee.

- 7) SUBCOMMITTEE REPORTS
- 8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES
- 9) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES
- 10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER
- 11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)
- 12) DATE AND TIME FOR NEXT MEETING: September 11, 2013, 6:00 PM
- 13) ADJOURNMENT

**NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES**  
**City Council Chambers**  
**Wednesday, July 10, 2013**  
**6:00 p.m.**

**1) CALL MEETING TO ORDER**

The meeting was called to order at 6:00 p.m.

**2) ROLL CALL**

Commissioners: Doug West, Chair  
Brad Avery  
Paul Blank  
David Girling  
Duncan McIntosh  
Karen Rhyne  
Joe Stapleton

Staff Members: Chris Miller, Harbor Resources Manager  
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Council Member Nancy Gardner

**3) PLEDGE OF ALLEGIANCE**

**4) WELCOME NEW COMMISSIONER JOE STAPLETON**

Chair West welcomed Commissioner David Girling back to the Commission noting his re-appointment by Council. In addition, he welcomed new Commissioner Joe Stapleton and congratulated him on his appointment.

Commissioner Stapleton introduced himself and briefly addressed his background. He indicated his pleasure at the opportunity to serve the community on harbor issues.

**5) PUBLIC COMMENTS**

Interested parties were invited to address the Commission at this time.

Jim Mosher referenced written comments submitted in advance of the meeting and addressed the wharf that collapsed into the Rhine Channel, and felt that the Coastal Commission sees the rebuilding of that property as an opportunity to extend the public boardwalk. He reported that the property owner is adamantly against having a public boardwalk on their property, and the matter has come down to having the State Lands Commission decide on the location of the boundary between the public and private property. He reported that at its June 25, 2013 meeting, Council voted to instruct the City Manager to take the side of the property owner. He referenced comments he made at a recent Council meeting regarding Mariner's Mile being in the Coastal Zone where the newest Member of Council indicated that what Newport Beach needs is local control and a Coastal Commission that stays out of the City's hair. Mr. Mosher felt that this is not about local control but rather respecting the will of the people of California as expressed through the Coastal Act. He added that there is a natural antagonism between private and public rights in the Coastal Zone. He wished that Council would have sought the Harbor Commission's opinion in a more thorough public discussion before deciding to take sides on the issue.

Mr. Mosher addressed the ownership transfer of a commercial dock that has been owned by the Vallely family on Balboa Island. He indicated that the item was to be heard by the Harbor Commission but has gone

directly to court, and suggested the need for clarification on the matter since Council discussed the issue in Closed Session, anticipating litigation at its most recent meeting.

Dave New reported the intent to bring a vessel to Newport Harbor for a christening in September or October of this year. He stated that the vessel is over 220 feet and needs a place to rest for approximately one week for the festivities. He reported that the owner is a resident of Newport Beach and provided specifications of the vessel. He suggested installing a temporary mooring and distributed pictures of the vessel. He requested information in terms of next steps.

Mr. New was advised to contact the Harbor Resources Manager to discuss the matter.

Brief discussion followed regarding the gross tonnage of the vessel, the draft and the beam.

## **6) APPROVAL OF MINUTES – June 12, 2013 Minutes**

Chair West reported receiving comments from Jim Mosher with corrections to the subject minutes and asked that they be incorporated into the final minutes.

**Motion:** Commissioner Blank made a motion to approve the minutes of the Harbor Commission of the June 12, 2013, Regular Meeting, as amended. Commissioner McIntosh seconded the motion, which carried with 7 ayes and 0 noes. Approved.

## **7) CURRENT BUSINESS**

Chair West suggested hearing Item 2 under Current Business at this juncture, without objection.

### ***2. Review Harbor Commission Objectives for Fiscal Year 2012-13***

***The Commission will review the progress made on the Commission's objectives during fiscal year 2012-13.***

#### **Recommendation:**

- 1) Receive and file.

Chair West addressed the objectives of the Harbor Commission in detail as well as the related subcommittees. He reported that significant progress has been made on key objectives including development of an improved Regional General Permit-54 process. He addressed the Newport-specific Eelgrass Plan and noted that it will be presented in its final form at a meeting of the resource agencies on July 30, 2013. He reported that the plan enjoys the support of many agencies and expressed optimism regarding its success.

Chair West addressed development of recommendations for the best and highest use of the Lower Castaways. He reported that the subcommittee has made progress and noted public input and the help of the City Manager, Council Member Gardner and the Parks, Beaches and Recreation Commission. He expects that the subcommittee will bring specific recommendations to the Harbor Commission towards the end of this calendar year.

Chair West addressed harbor lines and vessel overhang regulations, and provided a status update on the matter, including consideration by the Tidelands Management Committee.

Additionally, Chair West addressed Harbor Code Enforcement and noted issues needing to be addressed. He hoped that the Commission will recommit itself towards this objective. He reported on the success of a recent public forum on paddleboard safety and addressed educational opportunities identified by the subcommittee, including the opening of Marina Park. Regarding the development of strategies to maintain water-related businesses in the harbor, Chair West reported no significant progress but noted that the objective is within the purview of the Harbor Commission and should be reconsidered. He addressed the

development of effective public outreach, alternative mooring designs and the objective of developing Newport Harbor as a preferred and welcoming destination. Regarding the latter, he reported working with Visit Newport Beach to organize a "Harbor Summit" to engage key Harbor area stakeholders to provide a unified approach to serving harbor visitors and build the brand of Newport Harbor. Chair West addressed evaluation of a potential turning basin and anchorage, and provided an update of the subcommittee's efforts as well as that of the subcommittee charged with evaluating the public pier infrastructure. He stated that while progress was not achieved in every objective, significant progress was made on key objectives.

Chair West expressed his appreciation on the work of the Harbor Commission this year, and thanked everyone for the good work accomplished. He especially thanked Harbor Resources Manager Chris Miller and Harbor Resources Supervisor Shannon Levin for their work and support, and commented on the working model in which the work of the Commission is meant to leverage the effectiveness of the Harbor Resources staff rather than burdening them. Chair West expressed his gratitude to Council Member Gardner for her guidance and faithful support.

Council Member Gardner recommended a follow-up presentation so that Council can be apprised of the accomplishments made by the Harbor Commission.

Chair West suggested that the Commission develop its objectives for the coming year.

Members of the Commission expressed appreciation for Chair West's guidance and leadership as well as efforts to meet with subcommittees to move projects forward.

Commissioner Avery commented on Harbor Code Enforcement and the need to work on the matter going forward. In terms of community outreach, Commissioner Girling commented on the Chair West's involvement with subcommittees and thanked him for his work. Chair West commented positively on corroborations with Visit Newport Beach as well as with the Parks, Beaches and Recreation Commission.

Interested parties were invited to address the Harbor Commission on this item.

Jim Mosher indicated that he was impressed by the way the Commission has set clear objectives for itself and has interacted with Council in its accomplishments. He commented positively on the Commission's organization and functioning, and expressed his appreciation to Chair West and all Commissioners.

In response to Mr. Mosher's inquiry regarding the RGP-54, Chair West reported that it is the specific Army Corps of Engineers designation for the particular regional permit.

There being no others wishing to address the Harbor Commission, Chair West closed public comments for this item.

#### **1. Election of Officers**

The Harbor Commission will elect officers for the 2013-14 year.

##### **Recommendation:**

- 1) Elect Chairman.
- 2) Elect Vice-Chairman.
- 3) Elect Secretary.

Chair West declared the position of Chair of the Harbor Commission, vacant and called for nominations. Commissioner Avery nominated Commissioner McIntosh for the position of Chair of the Harbor Commission. Commissioner Blank seconded the nomination. There being no other nominations, Commissioner McIntosh was declared Chair of the Harbor Commission, unanimously.

Commissioner West declared the position of Vice Chair of the Harbor Commission, vacant and called for nominations. Commissioner Blank nominated Commissioner Avery for the position of Vice Chair of the

Harbor Commission. Chair McIntosh seconded the nomination. There being no other nominations, Commissioner Avery was declared Vice Chair of the Harbor Commission, unanimously.

Commissioner West declared the position of Secretary of the Harbor Commission, vacant and called for nominations. Commissioner Girling nominated Commissioner Blank for the position of Secretary of the Harbor Commission. Commissioner Rhyne seconded the nomination. There being no other nominations, Commissioner Blank was declared Secretary of the Harbor Commission, unanimously.

Members of the Commission rearranged their seating order appropriately.

## **8) SUBCOMMITTEE REPORTS**

Chair McIntosh called for subcommittee reports.

Commissioner Girling presented an update on the Lower Castaways and addressed meetings with the Parks, Beaches and Recreation Commission. He reported that they have agreed to corroborate with the Harbor Commission going forward. Additionally, he addressed meeting with City Manager Dave Kiff who has agreed to provide resources for the Commission regarding the matter. He addressed take-aways from the meetings including a study to review the bulkheads, traffic patterns in the area, restroom requirements, plumbing and electrical, public parking and a marine recycling component. He noted the need for information regarding districting and listed uses allowed in current conditions. He addressed next steps including the possibility of accelerating the process and reported that he should have additional information within sixty days and suggested holding another study session for increased public input.

Discussion followed regarding derelict vessels on moorings, creating a subcommittee to redevelop Harbor Commission objectives for the coming year, project lines, overhang regulations, and bulkhead and pierhead lines.

Commissioner West presented an update on the Tidelands Management Committee and reported that it has been re-established as a standing committee rather than an ad hoc committee. He stated that the Committee intends to meet quarterly and reported that the next meeting will be on September 19, 2013. He addressed the purposes and responsibilities of the new committee and the creation of a Citizens Advisory Panel to support the committee.

Discussion followed regarding the possibility of having Commissioner Blank apply to the Citizens Advisory Panel. It was noted that other Harbor Commissioners are welcomed to apply, as citizens.

## **9) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

Council Member Gardner commented on a movie, "Wreckless Moments" noting that it takes place in Newport Harbor in 1949 and has great scenes of what the Harbor looked like then.

## **10) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES**

Harbor Resources Manager Miller reported on the status of the RGP-54 noting that the Sampling and Analysis Plan has been approved by the regulatory agencies, that sediment sampling has begun in the Harbor and a report will be submitted to the agencies in the near future.

Mr. Miller reported that staff is currently finalizing the eelgrass plan to propose to the agencies at the end of the month. Additionally, he reported working with the Community Development Department which is in charge of administering leases and permits for commercial marinas and addressed residential fees. He stated that there are high percentages of residential pier owners that have paid.

He reported that he will prepare a staff report for Council for its next meeting which will update the Harbor Commission's purpose and responsibilities to reflect changes as well as the Tidelands Management

Committee and the Tidelands Capital Plan. Lastly, Mr. Miller presented an update on the Balboa Island beach replenishment project.

Brief discussion followed regarding the sunken barge and Council's item discussed under Closed Session at its last meeting. Mr. Miller did not provide any details of this Closed Session item.

**11) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER**

Jim Mosher suggested that the Harbor Resources Division identify the Harbor Commission's subcommittees on the City's website.

There being no others wishing to address the Harbor Commission, Chair McIntosh closed public comments for this item.

**12) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

Commissioner Girling noted that there is only one boat launch in the City and indicated the need to consider the matter. He requested that the item be included in a future agenda.

Commissioner Blank reported that the presentation on public piers can be ready within thirty days for presentation.

Commissioner Stapleton addressed the issue of derelict boats and requested a report for the next Harbor Commission meeting.

**13) DATE AND TIME FOR NEXT MEETING: Wednesday, August 14, 2013, 6:00 PM**

**14) ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:22 p.m.





== CITY OF ==

# NEWPORT BEACH

## Harbor Commission Staff Report

Agenda Item No. 1  
August 14, 2013

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Shannon Levin, Harbor Resources Supervisor  
949-644-3041, shannon@newportbeachca.gov

**TITLE:** 3388 Via Lido Dock and Boardwalk Project

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### **ABSTRACT:**

Harbor Resources has received an application to remove and replace the dock and boardwalk at 3388 Via Lido. The new slips will be assigned to the two residential units at the upland property. The boardwalk will be replaced like-for-like maintaining public access along the waterfront.

### **RECOMMENDATION:**

Provide comment to staff. Receive and file.

### **FUNDING REQUIREMENTS:**

No funding requirements.

### **DISCUSSION:**

The proposed redevelopment of the public boardwalk and marina at 3388 Via Lido has been brought to the Harbor Commission in an effort to solicit advice and comment on the proposed development. This is a noteworthy project in the Lido Marina Village ("LMV") area of which the Commission should be well-informed and provide feedback to staff.

In July 2010 and September 2010 Planning Commission and City Council respectively approved the building renovation at 3388 Via Lido (Vicinity Map-Attachment A). The renovation includes converting a commercial bank building into a mixed-use project that incorporates both residential and commercial uses consistent with the General Plan. The upper three floors consist of two residential units while the first and second floors remain office/retail. Nine (9) on-site parking spaces are provided for the commercial tenants, and one single-car garage and two, two-car parking garages for the residential units. Finally, new landscaping will be planted, making the project more pedestrian friendly and aesthetically appealing.

New Port Beach Mixed Development, LLP (NPBMD) is the property owner of 3388 and is also the owner of the New Port Bay Marina property located at 2300 Newport Blvd. The latter is currently under construction for mixed-use development and a new marina.

NPBMD has recently applied to Harbor Resources for the removal and replacement of the marina bayward of 3388 Via Lido. An application for an Approval in Concept ("AIC") has been submitted to Harbor Resources for the removal of the existing 4,099 sq. ft. floating dock and boardwalk; Replacement with new 3,517 sq. ft. floating dock, platform/landing, 3 ft. x 24 ft. gangway, and 6 ft. wide public boardwalk; Removal of 10 existing concrete pilings and replacement with 11 new concrete pilings; And re-use in the same location of 6 existing 14" concrete T-piling. Exhibits are included illustrating existing and proposed configurations (Attachments B and C).

According to Council Policy H-1 at U.S. Bulkhead Station No. 124, piers or slips are permitted to extend 20 feet channelward of the U.S. Pierhead Line. In this scenario the slips extend 15 feet beyond the Pierhead Line. The proposed slips are 80 feet long and 28 feet wide. NBMC Section 17.25.020(C)(2) allows vessels berthing at this Bulkhead Station to extend beyond the longest finger by the width of its beam. In this instance the largest allowable vessel would be in the 108 foot range.

The upland property is mixed-use with both residential and commercial uses upland/landward of the bulkhead. The proposed dock configuration is designed to comply with residential conditions including setback requirements and procuring a Residential Pier Permit upon completion. All piers and slips for residential properties shall be set back a minimum of five feet from the prolongation of the property line, per NBMC 17.35.020(B)(1). Should the dock revert to a commercial use then steps will be taken to secure a Commercial Pier Lease or Permit.

Along the length of the bay frontage from 3366 Via Lido through 3450 Via Oporto runs a publicly accessible boardwalk. The City's Harbor & Bay Element Goal 6 identifies and outlines public access points to the bay, specifically the extension of the LMV boardwalk across all of the waterfront commercial properties in Lido Village eventually connecting with Mariners' Mile. The existing boardwalk fronting 3388 Via Lido is pile supported bayward of the bulkhead. The project will remove the existing, adjacent, 6 foot boardwalk and replace it like for like (Attachment D).

The large commercial marina of LMV is dissected by the 3388 Via Lido property. This redevelopment will sever the headwalk that provides continuous access along the existing dock system. However, on both sides of 3388 Via Lido there are gangways providing access to the slips by means of the public boardwalk (Attachments E and F). NPBMD will repair the floats and boardwalk at those respective property lines where the

headwalk currently runs uninterrupted along the LMV waterfront. Representatives from the neighboring properties have been contacted and notified.

Water and electrical utilities will be installed on the dock system according to current California Building Code standards. The electrical system to the dock necessitates 100 amps to each slip to adequately power the vessels. Additionally, the AIC will contain special conditions referencing generator noise, allowable berthing limits, and maintenance and accessibility of the public boardwalk.

**ENVIRONMENTAL REVIEW:**

The Harbor Commission's approval of this item is categorically exempt from CEQA under section 15302, Class 2, Replacement or Reconstruction: "Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced."

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

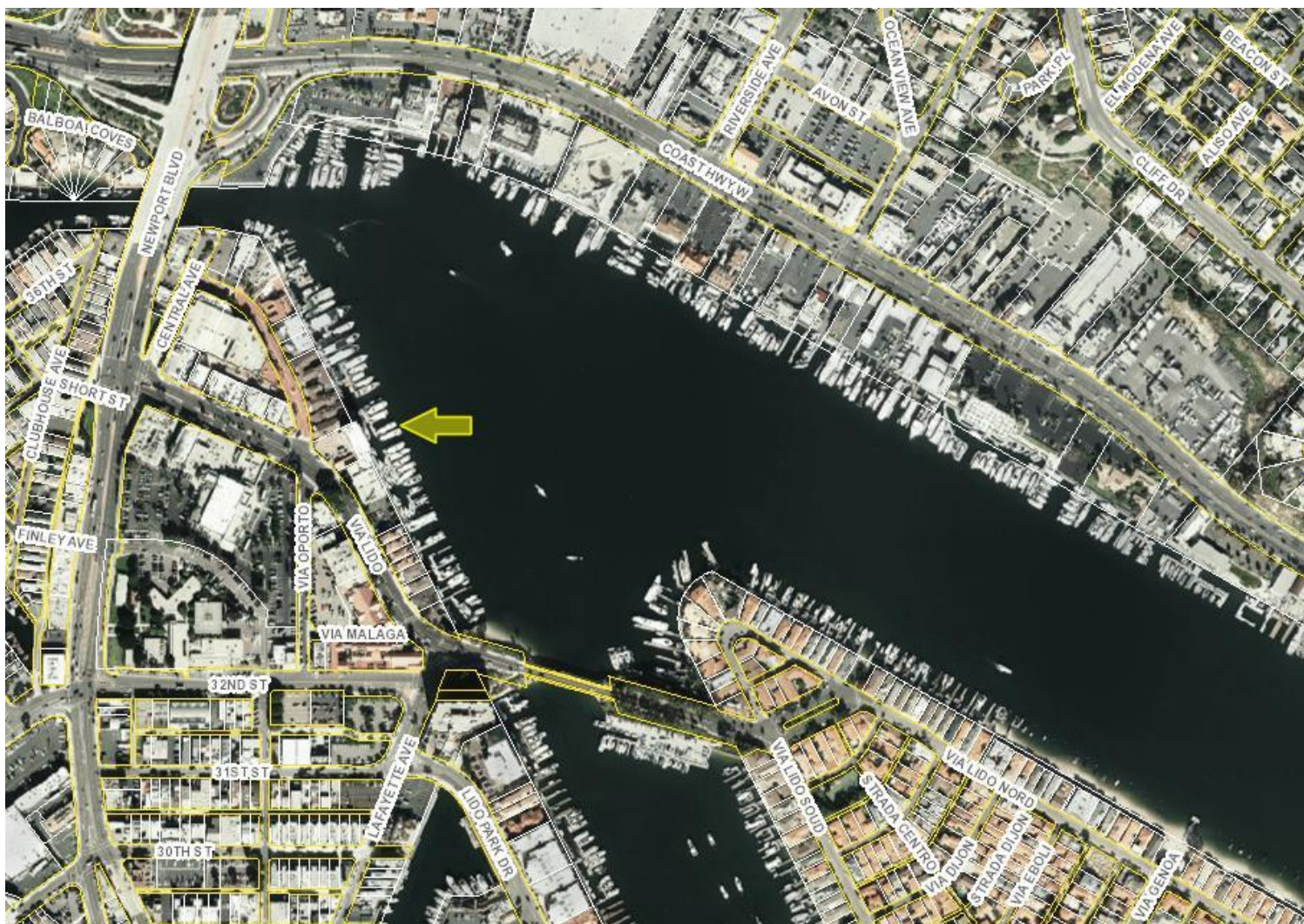
Submitted by:



Shannon Levin

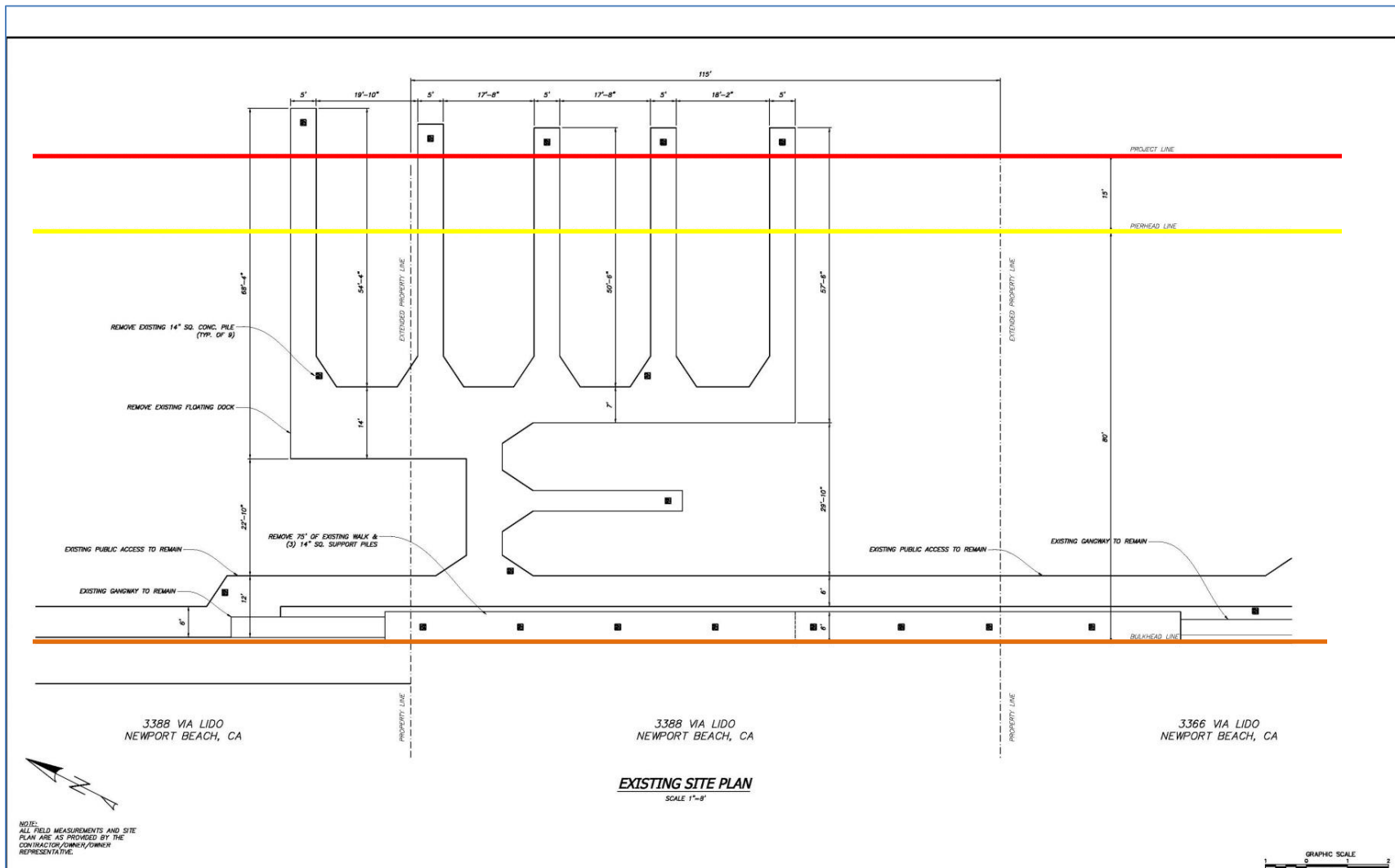
- Attachment:
- A. Vicinity Map
  - B. Existing Conditions
  - C. Proposed Project
  - D. Boardwalk Images
  - E. Adjacent Gangways & Boardwalk Access
  - F. Adjacent Gangway

## Vicinity Map- 3388 Via Lido



ATTACHMENT A

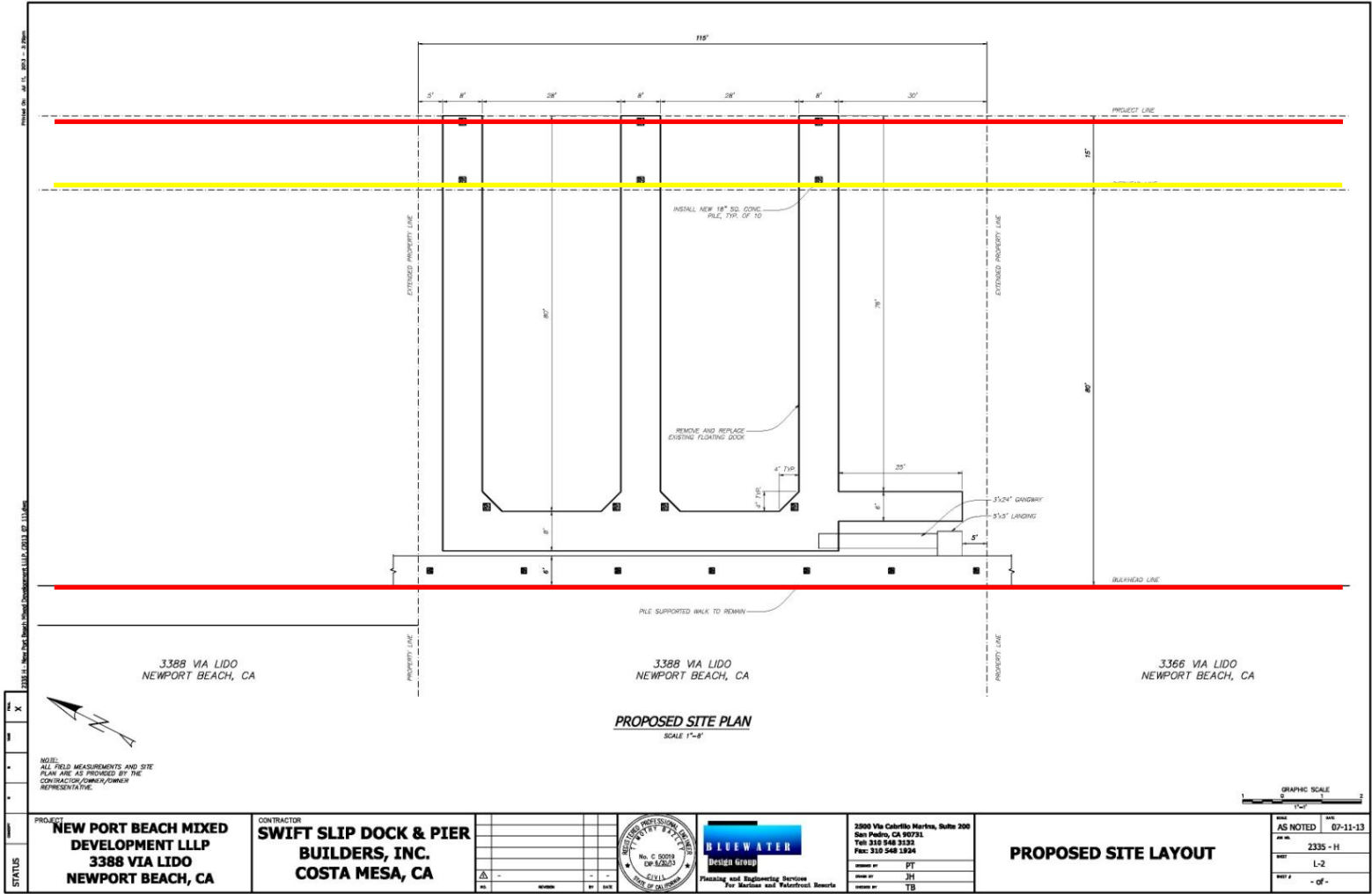
# Existing Layout



## ATTACHMENT B



# Proposed Layout



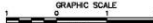
ATTACHMENT C

## Existing Public Boardwalk



ATTACHMENT D

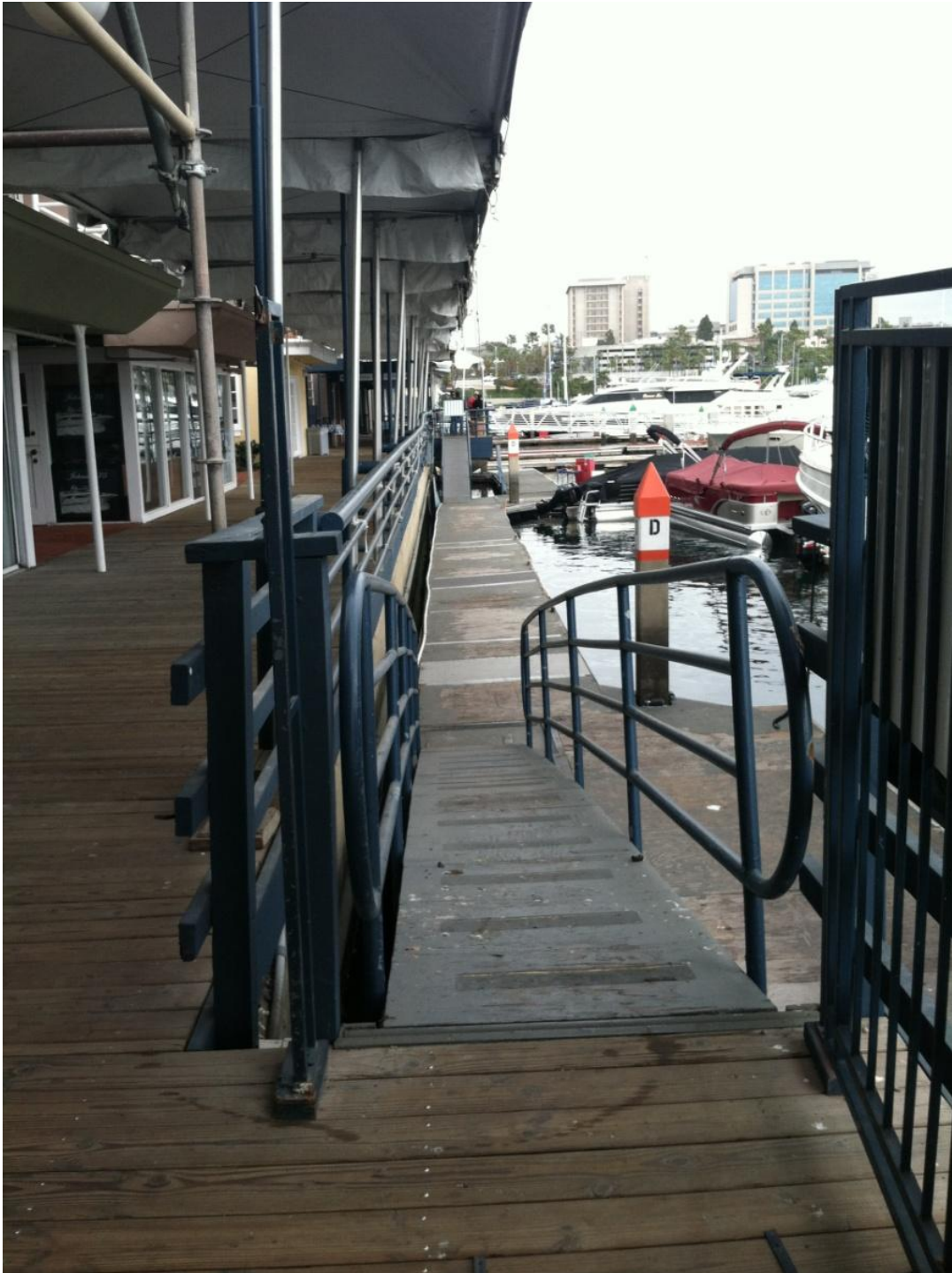
## Adjacent Gangways and Boardwalk Access



# ATTACHMENT E



## Adjacent Gangway



ATTACHMENT F



== CITY OF ==

# NEWPORT BEACH

## Harbor Commission Staff Report

Agenda Item No. 2  
August 14, 2013

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
949-644-3043, [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**PREPARED BY:** Shannon Levin, Harbor Resources Supervisor  
949-644-3043, [Shannon@newportbeachca.gov](mailto:Shannon@newportbeachca.gov)

**TITLE:** Mooring Permit Revocations For Failure to Pay Annual Rental Fees:  
S-145, H-410, C-42, and J-51

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**ABSTRACT:**

Four mooring permittees have failed to pay their annual mooring rental fees despite repeated attempts by City staff to collect the mooring rental fees. Mooring permits may be revoked due to failure to pay annual rental fees. Annual rental fees are initially invoiced in January with late-payment notices in April and May. According to Newport Beach Municipal Code (NBMC) Chapter 17.70, the Harbor Commission shall conduct a hearing prior to revoking a mooring permit.

**RECOMMENDATION:**

1. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit S-145 for failure to pay annual rental fees.
2. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit H-410 for failure to pay annual rental fees.
3. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit C-42 for failure to pay annual rental fees.
4. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-51 for failure to pay annual rental fees.

**FUNDING REQUIREMENTS:**

The mooring permittee shall be entitled to recover all of the permittee's mooring equipment within thirty (30) days of reversion. If the mooring permittee does not recover his equipment, the permittee shall be entitled to payment from the City of the fair value of the mooring equipment

as depreciated by use in an amount to be determined by the Harbor Resources Manager as set in the City's master fee resolution.

### **DISCUSSION:**

The City of Newport Beach ("City") manages the tidelands pursuant to various legislative grants from the State of California. The City leases the tidelands to third parties through a series of permits, franchises, and leases. One of those permits administered by the City is the mooring permit. A mooring permit is a temporary use of a specific location within Newport Harbor, and the Harbor Resources Manager may issue a mooring permit to allow the mooring permittee to temporarily use a portion of the waters of Newport Harbor for the mooring of a vessel.

On January 30, 2013 the City's Revenue Division invoiced all mooring permittees for the 2013 Mooring Permit. The January billings for the subject mooring revocations are attached, (Attachment A). The Second and Third Notice were issued on April 3, 2013 and May 7, 2013 respectively. Both Harbor Patrol staff and Harbor Resources staff contacted the permittees by telephone or email in attempts to collect the annual rental fees.

On June 3, 2013, Harbor Resources staff sent letters of cancellation to these permittees declaring their permits cancelled pursuant to NBMC Section 17.60.040(D). However, to afford the permittees every due process, we are also proceeding under NBMC Chapter 17.70 to allow the Harbor Commission to conduct a revocation hearing. This hearing provides a forum for the permittee to present written and verbal evidence to the Harbor Commission explaining why the mooring permit should not be revoked. The Harbor Commission presides over the hearing, receives relevant evidence, and renders a decision.

### **Mooring Permit Conditions**

The mooring permit is subject to permit requirements and the permittee shall be responsible for all activities related to that mooring permit. According to Newport Beach Municipal Code Section 17.60.040(B)(2)(b), the permittee shall agree to be responsible for permit fees, maintenance, and repair of mooring equipment.

### **Grounds for Revocation**

NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5) provide that when a mooring rental fee is in arrears for a period of sixty (60) days or more, the Harbor Commission may revoke the permit.

Additionally NBMC Section 17.70.020(A)(5) authorizes the Harbor Commission to revoke the permit upon the grounds of failure to pay fees and breach of terms of the permit.

Should Harbor Commission render a decision to revoke the mooring permit(s), staff will send a notice to the permittee. The decision to revoke a permit shall become final fourteen (14) days after the date of the decision unless appealed. Decisions of the Harbor Commission may be appealed to the City Council by a member of the City Council within fourteen (14) days of the decision per NBMC Ch. 17.65.

The following mooring permits are subject to revocation for unpaid mooring fees for 2013:

Mooring	Permittee	Past Due Fees	Mooring Length
S-145 (onshore)	Bruce Chandler	\$251.81	13 feet
H-410	Robert White	\$1,549.20	40 feet
C-42	Steve Belany	\$1,549.20	40 feet
J-51	Mark Phoenix	\$1,936.50	50 feet

Moorings subject to revocation are highlighted on Attachment B.

#### Moorings Reverted to the City

Should the Commission decide to revoke one or more of the mooring permits, those moorings will revert back to the City, per NBMC Section 17.60.040(M). Should a mooring revert back to the City, the mooring permittee shall be entitled to recover all of the permittee's mooring equipment within thirty (30) days of reversion. If the mooring permittee does not recover his equipment, the permittee shall be entitled to payment from the City of the fair value of the mooring equipment as depreciated by use in an amount to be determined by the Harbor Resources Manager as set in the City's master fee resolution.

The mooring then may then be offered to an individual from the interest list. No mooring that reverts to the City for assignment off of the interest list shall have any right to a later assignment by a mooring permittee whatsoever.

1. Staff recommends to Harbor Commission to revoke mooring S-145.
2. Staff recommends to Harbor Commission to revoke mooring H-410.
3. Staff recommends to Harbor Commission to revoke mooring C-42.
4. Staff recommends to Harbor Commission to revoke mooring J-51.

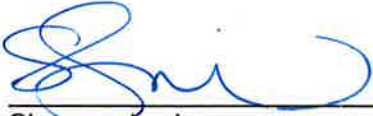
#### **ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

This agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers this item).

Submitted by:

  
\_\_\_\_\_  
Shannon Levin  
Harbor Resources Supervisor

Attachments: A. S-145, H-410, C-42, and J-51 Municipal Services Statement  
B. Aerial Images of Mooring Areas

# **ATTACHMENT A**

# Mooring S-145



City of Newport Beach  
Revenue Division  
P.O. Box 1935  
Newport Beach, CA 92658-0935  
www.newportbeachca.gov

## ACCOUNT SUMMARY

Name: CHANDLER, BRUCE  
NBID: [REDACTED]  
Account Number: [REDACTED]  
Service Address: MOORING: S-145  
Statement Date: 01/30/13  
Due Date: 02/01/13  
Total Amount Due: \$ 251.81

## IMPORTANT INFORMATION

ANNUAL MOORING FEE - 2013  
Mooring Fees Due 02/01/2013 - Delinquent 03/01/2013.  
Delinquent fees are assessed 25% penalty the 1st of each month starting 03/01/2013 up to 100% penalty and revocation. Per Resolution 2010-132 there has been an increase in the Annual Mooring Fee.

Payment must be received on or before the due date on this statement. Payments not received by that date are subject to a penalty. You can avoid penalties by signing up for the City's AutoPay plan.

### NEW PAYMENT OPTIONS NOW AVAILABLE:

- For recurring automatic payments, use our Online BillPay service. Pay by credit card or checking account. Enroll online at [www.onlinebiller.com/newport/](http://www.onlinebiller.com/newport/).
- For manual payments using your credit card only, either call 949-718-1999 and follow the directions given, or use the internet to make your payment by accessing the web at [www.newportbeachca.gov](http://www.newportbeachca.gov) and selecting Online Services.

## MUNICIPAL SERVICES STATEMENT

### BILLING DETAILS

Water Conservation Route: MRG

CHARGES: TOTAL:  
MOORING ONSHORE ANNU \$ 251.81

### BILLING SUMMARY

Previous/Beginning Balance \$ 156.47  
Payments Applied - THANK YOU \$ -156.47  
Total Adjustments \$ 0.00  
Late Fee \$ 0.00

TOTAL AMOUNT DUE \$ 251.81



City of Newport Beach  
Revenue Division  
P.O. Box 1935  
Newport Beach, CA 92658-0935

Please provide/update the e-mail address and phone number so the City may contact you about water service problems.

Phone: [REDACTED]  
E-mail: [REDACTED]



NPY0130A AUTO MIXED ARDC 926  
7000000505 01.0004.0034 505/1



Go online to pay your bills at [www.newportbeachca.gov/payments](http://www.newportbeachca.gov/payments)

### RETURN THIS PORTION WITH YOUR PAYMENT

Name: CHANDLER, BRUCE  
NBID: [REDACTED]  
Account Number: [REDACTED]  
Notice Date: 01/30/13  
Due Date: 02/01/13  
Total Amount Due: \$ 251.81  
Amount Enclosed: [REDACTED]



CITY OF NEWPORT BEACH  
PO BOX 1935  
NEWPORT BEACH CA 92658-0935

AC0000006004805000000000251814

# Mooring H-410



City of Newport Beach  
Revenue Division  
P.O. Box 1935  
Newport Beach, CA 92658-0935  
www.newportbeachca.gov

## ACCOUNT SUMMARY

Name: WHITE, ROBERT  
NBID: [REDACTED]  
Account Number: [REDACTED]  
Service Address: MOORING: H-410  
Statement Date: 01/30/13  
Due Date: 02/01/13  
Total Amount Due: \$ 1,549.20

## IMPORTANT INFORMATION

### ANNUAL MOORING FEE - 2013

Mooring Fees Due 02/01/2013 - Delinquent 03/01/2013.  
Delinquent fees are assessed 25% penalty the 1st of each month starting 03/01/2013 up to 100% penalty and revocation.  
Per Resolution 2010-132 there has been an increase in the Annual Mooring Fee.

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## MUNICIPAL SERVICES STATEMENT

### BILLING DETAILS

Water Conservation Route: MRG

**CHARGES:** **TOTAL:**  
MOORING OFFSHORE ANNU \$ 1,549.20

### BILLING SUMMARY

Previous/Beginning Balance \$ 1,842.60  
Payments Applied - THANK YOU \$ -1,842.60  
Total Adjustments \$ 0.00  
Late Fee \$ 0.00

**TOTAL AMOUNT DUE \$ 1,549.20**



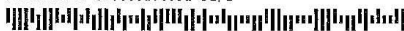
City of Newport Beach  
Revenue Division  
P.O. Box 1935  
Newport Beach, CA 92658-0935

Please provide/update the e-mail address and phone number so the City may contact you about water service problems.

Phone: [REDACTED]  
E-mail: [REDACTED]



NPY0130A AUTO SCH 3-DIGIT 926  
7000000091 01.0001.0091 91/1



Go online to pay your bills at [www.newportbeachca.gov/payments](http://www.newportbeachca.gov/payments)

### RETURN THIS PORTION WITH YOUR PAYMENT

Name: WHITE, ROBERT  
NBID: [REDACTED]  
Account Number: [REDACTED]  
Notice Date: 01/30/13  
Due Date: 02/01/13  
Total Amount Due: \$ 1,549.20

Amount Enclosed:



CITY OF NEWPORT BEACH  
PO BOX 1935  
NEWPORT BEACH CA 92658-0935

AC000000600330000000001549207



# Mooring C-42



City of Newport Beach  
Revenue Division  
P.O. Box 1935  
Newport Beach, CA 92658-0935  
www.newportbeachca.gov

## ACCOUNT SUMMARY

Name: BELANY, STEVE  
NBID: [REDACTED]  
Account Number: [REDACTED]  
Service Address: MOORING: C-042  
Statement Date: 01/30/13  
Due Date: 02/01/13  
Total Amount Due: \$ 1,549.20

## IMPORTANT INFORMATION

**ANNUAL MOORING FEE - 2013**  
Mooring Fees Due 02/01/2013 - Delinquent 03/01/2013.  
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## MUNICIPAL SERVICES STATEMENT

### BILLING DETAILS

Water Conservation Route: MRG

**CHARGES:** **TOTAL:**  
MOORING OFFSHORE ANNU \$ 1,549.20

### BILLING SUMMARY

Previous/Beginning Balance \$ 2,456.80  
Payments Applied - THANK YOU \$ -1,228.40  
Total Adjustments \$ -1,228.40  
Late Fee \$ 0.00

**TOTAL AMOUNT DUE \$ 1,549.20**



City of Newport Beach  
Revenue Division  
P.O. Box 1935  
Newport Beach, CA 92658-0935

Please provide/update the e-mail address and phone number so the City may contact you about water service problems.

Phone: [REDACTED]  
E-mail: [REDACTED]



NPY0130A AUTO SCH 3-DIGIT 926  
7000000084 01.0001.0084 84/1



Go online to pay your bills at [www.newportbeachca.gov/payments](http://www.newportbeachca.gov/payments)

RETURN THIS PORTION WITH YOUR PAYMENT

Name: BELANY, STEVE  
NBID: [REDACTED]  
Account Number: [REDACTED]  
Notice Date: 01/30/13  
Due Date: 02/01/13  
Total Amount Due: \$ 1,549.20  
Amount Enclosed:



CITY OF NEWPORT BEACH  
PO BOX 1935  
NEWPORT BEACH CA 92658-0935

AC000000600362000000001549208

# Mooring J-51



City of Newport Beach  
Revenue Division  
P.O. Box 1935  
Newport Beach, CA 92658-0935  
www.newportbeachca.gov

## ACCOUNT SUMMARY

Name: PHOENIX, MARK  
NBID: 4315  
Account Number: 6006204-00  
Service Address: MOORING: J-0051  
Statement Date: 01/30/13  
Due Date: 02/01/13  
Total Amount Due: \$ 1,936.50

## IMPORTANT INFORMATION

**ANNUAL MOORING FEE - 2013**  
Mooring Fees Due 02/01/2013 - Delinquent 03/01/2013.  
Delinquent fees are assessed 25% penalty the 1st of each month starting 03/01/2013 up to 100% penalty and revocation.  
Per Resolution 2010-132 there has been an increase in the Annual Mooring Fee.

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- For manual payments using your credit card only, either call 949-718-1999 and follow the directions given, or use the internet to make your payment by accessing the web at [www.newportbeachca.gov](http://www.newportbeachca.gov) and selecting Online Services.

## MUNICIPAL SERVICES STATEMENT

### BILLING DETAILS

Water Conservation Route: MRG

**CHARGES:** **TOTAL:**  
MOORING OFFSHORE ANNU \$ 1,936.50

### BILLING SUMMARY

Previous/Beginning Balance \$ 0.00  
Payments Applied - THANK YOU \$ 0.00  
Total Adjustments \$ 0.00  
Late Fee \$ 0.00

**TOTAL AMOUNT DUE \$ 1,936.50**



City of Newport Beach  
Revenue Division  
P.O. Box 1935  
Newport Beach, CA 92658-0935

Please provide/update the e-mail address and phone number so the City may contact you.

Phone:   
E-mail:



NPY0130A AUTO SCH 3-DIGIT 926  
7000000410 01.0002.0033 410/1



Go online to pay your bills at [www.newportbeachca.gov/payments](http://www.newportbeachca.gov/payments)

### RETURN THIS PORTION WITH YOUR PAYMENT

Name: PHOENIX, MARK  
NBID:   
Account Number:   
Notice Date: 01/30/13  
Due Date: 02/01/13  
Total Amount Due: \$ 1,936.50  
Amount Enclosed:



CITY OF NEWPORT BEACH  
PO BOX 1935  
NEWPORT BEACH CA 92658-0935

AC000000600620400000001936502

# **ATTACHMENT B**

## Mooring S-145



# Mooring H-410





## Mooring C-42



## Mooring J-51





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# NEWPORT BEACH

## Harbor Commission Staff Report

Agenda Item No. 3  
August 14, 2013

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
949-644-3043, [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**TITLE:** Request for Moorage for Two Large Vessels in Newport Harbor

---

**ABSTRACT:**

At the July meeting, the Harbor Commission was requested to consider allowing the Invictus, a 216' vessel, to moor in Newport Harbor on a temporary basis for two months. Coincidentally, the Marama, a 130' vessel, made a similar request as well. The Harbor Commission formed a subcommittee to review the requests and to provide a recommendation at the August meeting.

**RECOMMENDATION:**

1. Per the subcommittee's recommendation, the Harbor Commission is requested to advise the Harbor Resources Manager to approve the Invictus and Marama's request to moor in Newport Harbor with certain conditions as described below and as discussed at tonight's meeting.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**DISCUSSION:**

The Harbor Commission received a recent request to allow the Invictus to moor in Newport Harbor between August 26 to October 31, 2013. It is not anticipated that Invictus will be in Newport Harbor every day during that period. Rather, it is intended that Newport Harbor will be its home port while traveling in the local Southern California area. Invictus is 216' long, with a beam of 44', drafting 13' and is 583 tons. (See Exhibit 1.)

Coincidentally, the Marama, a 130' vessel, requested permission to moor in Newport Harbor for a brief visit between September 25 and September 30.

One of the Harbor Commission's primary goals each year is to promote Newport Harbor as a preferred and welcoming destination for all to enjoy including both large and small vessels. Traditionally, Newport Harbor has accommodated the smaller class of vessels (from the 20' to 70'-80' range) with relative ease by providing moorage or available dock space at some of the larger boat marinas. However, Newport Harbor has not been known as a destination location for larger vessels such as the Invictus and the Marama. It was from this perspective of promoting Newport Harbor as a destination point for larger vessels that the subcommittee approached these two vessels' requests.

The subcommittee, comprised of Commissioners Avery and Girling, Dave New of Basin Marine, Harbor Patrol and Harbor Resources staff, met twice to flush out the details of the request and to formulate a



recommendation. Of major concern with these two vessels is the depth in the harbor, and finding an anchorage area suitable for these vessels. Since the harbor was recently dredged, the City has up-to-date survey information (See Exhibit B) which provides guidance as to where these vessels could moor. Therefore, the only suitable location for large vessels of this size is in the Turning Basin near the west end of Lido Isle, in a similar location where the previous temporary anchorage was positioned during the Lower Bay dredging project, just east of Lido Marina Village. Another reason why this exact location was chosen (east of Lido Marina Village) was because the Boat Show, which is located directly in front of Lido Marina Village, will be held at the end of September. Exhibit C depicts the approximate outline of the Lido Boat Show as well as scaled drawings of both vessels for reference. Note: Both vessels will not be permitted to moor at the same time. Exhibit C is intended to provide scale and perspective for each vessel – not to depict an exact moorage location for each vessel.

The subcommittee considered several conditions and factors which are outlined below, and which will require further discussion at tonight's meeting. The subcommittee's intent in recommending approval is for this to be a "test run" for visiting larger vessels. Approval of these requests will provide a basis for consideration of future requests.

1. Invictus will install a mooring with light attached, at their expense by a local mooring contractor. Harbor Patrol must approve of the exact location of the mooring.
2. Invictus will drop a forward anchor and use the single mooring at the stern.
3. Marama prefers to use a forward anchor only therefore allowing it to swing freely. But, other options may be explored including mooring in the same manner as Invictus.
4. Invictus will post a Notice to Mariners when the mooring is installed, as well as when it is moored. Marama will do the same.
5. The Lido Boat Show is between September 26 and 29. Setup begins approximately two weeks prior, and takedown lasts for approximately one week after.
6. Invictus intends to moor August 26 to October 31 on an intermittent basis.
7. Marama intends to moor September 25 – 30 only (during the Boat Show). Invictus will not be permitted to moor while Marama is moored.
8. Both vessels will be required to obey the City's noise rules.
9. Both vessels will be required to pay the City's current mooring fee (pro-rated).
10. Upon entering and exiting the harbor, both vessels will hail the Harbor Patrol to notify their transit details. In addition, both vessels will notify Harbor Resources staff day(s) in advance of their arrival and departure.


#### **ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:



Chris Miller

- Exhibits:
- A. Invictus Photo
  - B. 2013 Newport Harbor Depth Survey
  - C. Aerial Photo of Turning Basin

Exhibit A  
Invictus Photo



Exhibit B  
2013 Newport Harbor Depth Survey

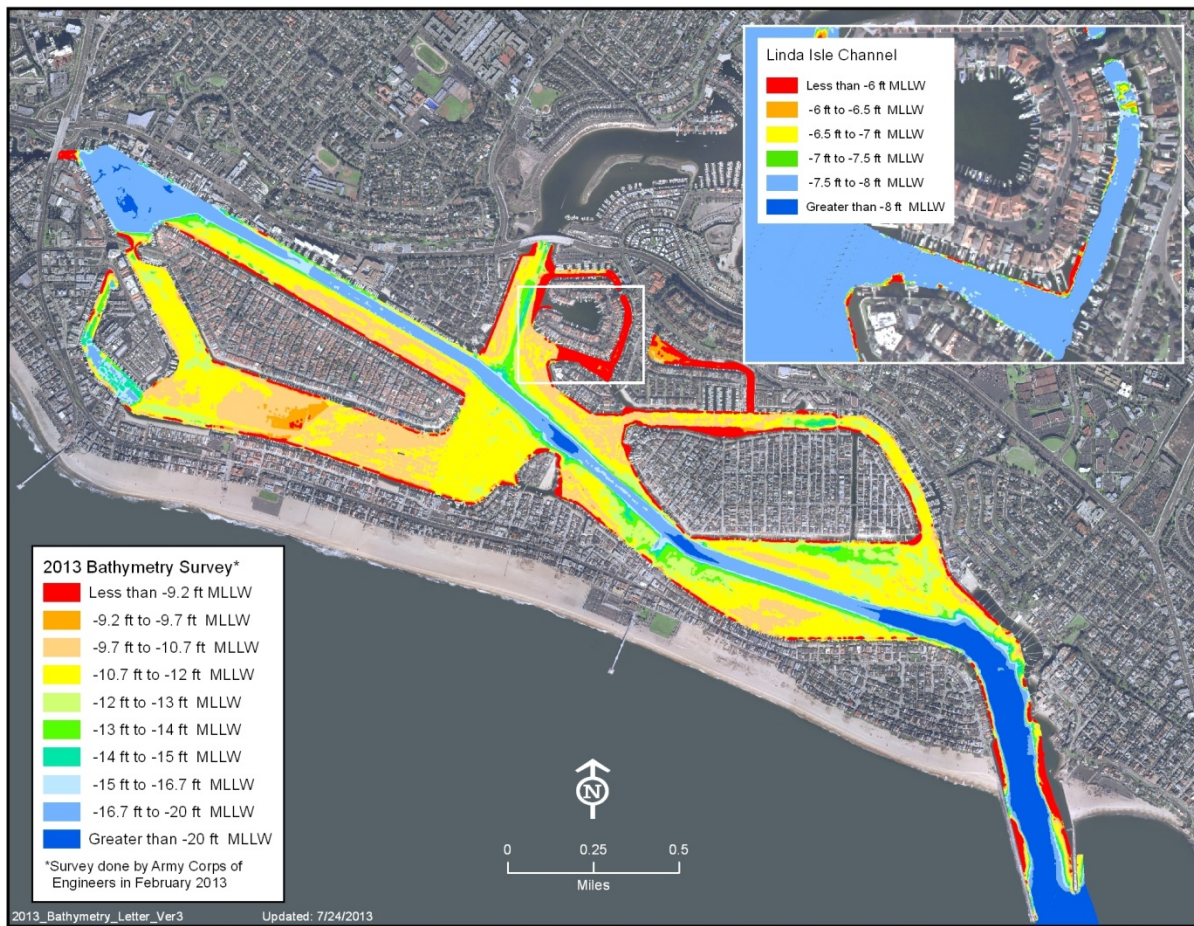




Exhibit C  
Aerial Photo of Turning Basin





== CITY OF ==

# NEWPORT BEACH

## Harbor Commission Staff Report

Agenda Item No. 4  
August 14, 2013

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
949-644-3043, [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**TITLE:** Review the Proposed Harbor Commission Objectives for Fiscal Year 2013-14

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**ABSTRACT:**

The Harbor Commission will review and provide input to the proposed Commission Objectives for 2013-14. The Subcommittee will then refine the Objectives and return in September with a final recommendation.

**RECOMMENDATION:**

1. Provide input to the proposed Harbor Commission Objectives for fiscal year 2013-14.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

  
Chris Miller

**Newport Harbor Commission Objectives**  
**FY 2013 – 14**  
**[Proposed Draft]**

These objectives are intended to support the mission of the Harbor Area Management Plan and to carry out the role and key responsibilities of the Harbor Commission: (1) to ensure the long term welfare of Newport Harbor for all residential, recreational, and commercial users; (2) to promote Newport Harbor as a preferred and welcoming destination for all to enjoy.

These proposed objectives are subject to the review and approval of the Commission, and final approval of the Newport Beach City Council. Principal responsibility for the achievement of each objective is assigned to a subcommittee of the Harbor Commission, as noted below. Progress towards these objectives will be reported, when appropriate, by the chair of each subcommittee during regular meetings of the Harbor Commission. The chair of each subcommittee is shown in italics.

**Ensuring the Long Term Welfare of Newport Harbor**

1) Achieve final interagency approval of the Newport Shallow Waters Eelgrass Mitigation Plan, supporting a new Regional General Permit (RGP 54). The purpose of the Plan is to enable a more efficient and cost-effective RGP 54 permitting process for dock maintenance dredging through an ecosystem-based approach to sustaining and promoting the population of shallow water eelgrass in all areas of Lower Newport Bay where such eelgrass is found. [***West, McIntosh, Avery***]

2) Complete the development of recommendations for the best public use of Lower Castaways, the last remaining undeveloped city-owned waterfront property. Collaborate with the Parks, Beaches and Recreation Commission in developing specific recommendations for presentation to the City Council. [***Girling, Avery, Rhyne***]

3) Secure California Department of Recreation approval for a proposed amendment to the Harbor Code which would grant an exception to the harbor speed limit for sanctioned sail racing and human powered racing events. With such authorization, recommend the proposed amendment to the City Council for enactment. [**Blank, West**]

4) Investigate the existing designations of Bulkhead and Pierhead lines throughout the harbor in conjunction with current vessel overhang regulations and compliance. Determine if specific changes to those harbor boundaries and overhang regulations or their enforcement should be recommended to the City Council. Develop specific recommendations to the Council if any changes are deemed appropriate. [**Rhyne, McIntosh, Stapleton**]

5) Strengthen the Harbor Commission's public outreach to better communicate the Commission's role, purpose, and objectives as a citizens advisory voice for the harbor community. [**Girling, Avery, Blank**]

#### **[Not Proposed but Included for Further Consideration]**

Address harbor community concerns about the presence of derelict vessels in the harbor, first by assessing the actual population of such vessels and, if warranted, making specific recommendations to the Harbor Resources Division and/or the City Council on practical strategies for rehabilitating or removing such vessels.

Continue study of alternative offshore mooring design solutions.

#### **Promoting Newport Harbor as a Preferred and Welcoming Destination**

6) Collaborate with Visit Newport Beach, Inc. to plan and execute a Harbor Summit event involving key stakeholders in the harbor community. The Summit will engage the stakeholders in the development of coordinated strategies for increasing the number of visiting vessels, enhancing the harbor experience for visitors and residents, and better supporting the businesses that serve all harbor users. [**Blank, Girling, West**]



7) Carry forward the results of last year's evaluation of existing public piers and potential new locations for public piers. Present specific recommendations to the City Council on public pier improvements and additions to facilitate better access to harbor area business and amenities serving both visiting and local boaters. [**Girling, Blank**]

8) Complete the evaluation of public anchorage alternatives, specifically addressing the concept of establishing an anchorage in the Turning Basin such as the one used on a temporary basis during the 2012 Lower Bay dredging project. [**Avery, McIntosh, West**]

9) Update and publish a 3<sup>rd</sup> edition of *The Complete Cruising Guide to Newport Harbor*, first published by the Harbor Commission in 2010. [**West, Rhyne, Stapleton**]



**CITY OF**

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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

Agenda Item No. 5  
August 14, 2013

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
949-644-3043, cmiller@newportbeachca.gov

**TITLE:** Harbor Commission Representation on the Tidelands Management Committee's Citizens Advisory Panel

---

**ABSTRACT:**

The Harbor Commission will recommend one Commissioner for the City Council's Citizens Advisory Panel ("CAP") of the Tidelands Management Committee.

**RECOMMENDATION:**

1. The Harbor Commission will recommend Paul Blank to represent the Harbor Commission on the Citizens Advisory Panel of the Tidelands Management Committee.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**DISCUSSION:**

The Tidelands Management Committee's CAP will assist the committee in accomplishing their purpose and responsibilities. The CAP shall be comprised of seven members, one of whom shall be a Harbor Commissioner per Resolution 2013-35. The Harbor Commission will make a recommendation to the Tidelands Management Committee that Commissioner Paul Blank be selected as a member of the CAP.


**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

  
Chris Miller